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ZECHER, MICHAEL R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/976,461	Applicant(s) INGRAM ET AL.	
	Examiner MICHAEL R. ZECHER	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a final Office Action on the merits. The Amendments/Remarks received on March 31, 2008, and April 23, 2008, have been entered. **Claims 1-21** have been cancelled. **Claims 22, 35, & 46** have been amended. **Claims 22-50** are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 22-30, 32-37, 42-48, & 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Collie, S.-C., *Construction loan tool from PriMerit, Newtrend*, Bank Management, vol. 66, no. 4, April 1990, pgs. 60 & 62, further in view of Louie et al. (U.S. 2001/0054022).

As per claim 22, Van Collie teaches an automated process for approving and administering a construction loan (See pg. 60, which discusses Miser2 Commercial Construction Loan (CCL) application), said automated process comprising:

a draw payment subprocess (See pg. 62, which discusses a draw system payment), comprising:

requesting an allotted monetary increment as a draw on an approved project-specific loan (See pg. 62, which discusses a construction loan application);

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inspecting said project progress and features thereof (See pg. 62, which discusses procedural checkpoints to ensure that construction stages are complete before funds are issued); and

approving the requested draw on said project-specific loan based on successful progress inspecting (See pg. 62, which discusses how the bank has custom defined criteria for disbursement).

However, Van Collie does not expressly disclose the automated process comprising:

a builder initialization subprocess, comprising:

providing requested builder data to an on-line system;

analyzing said requested builder data; and

approving a builder for initialization in said on-line system; and

establishing a builder line of credit;

a deal initialization subprocess, comprising:

providing requested dealer data to an on-line system;

analyzing said requested dealer data; and

approving a dealer for initialization in said on-line system;

a project-specific loan application subprocess, comprising[:]

providing requested project specific loan data to an on-line system;

analyzing said requested project specific loan data; and

approving a builder for a project-specific loan based at least in part on the established line of credit.

Louie et al. discloses a loan tracking and management system that provides a user with access to specific details related to a loan (See abstract).

Both Van Collie and Louie et al. disclose methods and systems for administering a loan. Louie et al. discloses a builder initialization subprocess, a dealer initialization subprocess, and a project-specific loan application subprocess (See figure 4, which illustrates the entities involved in a loan, including the manager, borrower, investor(s), etc.), comprising: providing requested builder/dealer/loan data to an on-line system (See claim 33, which discusses providing loan resource data); analyzing said requested builder/dealer/loan data (See claim 4, which discusses receiving and analyzing a transaction request); and approving a builder/dealer for initialization in said on-line system or for a project-specific loan (See paragraph 39, which discusses an “approved” indicator for a funds transfer); and establishing a letter of credit including a maximum dollar amount (See paragraph 53, which discusses credit agreements with selected facilities that contain provisions regarding maximum dollar amount for draw downs). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Van Collie to include a builder initialization subprocess, a dealer initialization subprocess, and a project-loan application subprocess capable of providing requested data, analyzing the data, approving each respective subprocess, and establishing a line of credit for project-specific loans as taught by Louie et al. in order to efficiently organize data and provide a system with strong controls that provides assurance about where lenders and builders stand in each construction project.

As per claim 23, Van Collie teaches wherein said automated process is implemented in conjunction with an on-line construction application hosted on a web-based platform such as an internet site (See pg. 62, which discusses how the CCL application is an online, real-time package).

As per claim 24, Van Collie does not expressly disclose wherein said builder initialization subprocess comprises a registration subprocess and a certification subprocess and wherein each respective registration and certification subprocess comprises steps of respectively providing requested builder registration data and builder certification data to an on-line system, respectively analyzing said requested builder registration and builder certification data, and respectively approving a builder for registration and certification via said on-line system.

Louie et al. discloses how a borrower enters registration information through borrower management (See paragraph 36, which discusses registration information); and, furthermore, how a user, based on the transaction type, provides the appropriate information in selecting a pricing type (See paragraph 76, which discusses selecting a pricing type, such as a certificate for deposit). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Van Collie to include a registration process and a certification process involving a selected price type where requested data is provided, analyzed, and approved as taught by Louie et al. in order to meet the needs of financial institutions that handle construction loans of various sizes.

Claim 25 recites equivalent limitations to claim 24 and is therefore rejected using the same art and rationale.

As per claim 26, Van Collie teaches wherein said respective steps of providing requested builder data, providing requested loan data, and requesting an allotted increment on an approved loan are all performed by a prospective builder, wherein said prospective builder is characterized as one who borrows money corresponding to a construction loan for financing a construction project (See pg. 62, which discusses a draw payment process in the context of a builder borrowing money for a construction project).

As per claim 27, Van Collie does not expressly disclose wherein selected of said respective steps of analyzing said requested dealer data, and analyzing said requested loan data further comprise a respective step of employing an underwriting application for automatically analyzing selected data and information provided to said on-line system by a builder or dealer.

Louie et al. discloses how members of a number of commercial lending institutes can underwrite large commercial loans (See paragraph 6, which discusses how the loan syndicate can underwrite large commercial loans, while spreading risk and liability among various members). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Van Collie to include an underwriting application for analyzing data as taught by Louie et al. in order to meet the needs of financial institutions that handle construction loans of all sizes.

As per claim 28, Van Collie teaches wherein said respective steps of providing requested dealer data and inspecting project progress and features thereof are performed by a dealer, wherein said dealer is characterized as one who oversees the construction project of a builder or builders (See pg. 62, which discusses how a project manager can more efficiently handle individual contractors).

As per claim 29, Van Collie teaches wherein said respective steps of approving a builder for initialization, approving a dealer for initialization, approving a builder for a project-specific loan, and approving a requested draw on a project-specific loan are performed by the system administrator is characterized as one who has access to and oversees the operation of said on-line construction application (See pg. 60, which discusses how the CCL may be utilized by an administrator to handle various projects).

As per claim 30, Van Collie teaches wherein said step of providing requested loan data comprises providing financial information about a builder and providing specific information about the construction project for which said project-specific loan is requested, and wherein said step of providing specific information about a construction project is facilitated by the provision via said construction application of predefined project templates (See pg. 62, which discusses how the CCL is a parameter-driven application the enables lenders to custom define the criteria for disbursement).

As per claim 32, Van Collie teaches a construction supply process, said construction supply subprocess comprising the steps of:

requesting building supplies for use in a given construction project, wherein said step of requesting building supplies is performed by an approved builder (See pg. 62, which discusses how the capabilities of the CCL include handling inventory); and

approving a request for building supplies, wherein a request for building supplies can be approved by select[ing] one of an approved dealer and a system administrator (See pg. 62, which discusses how the CCL permits control at multiple levels, including tracking nails and bolts; it is inherent that control to such a specific level would allow for approval of an inventory request).

As per claim 33, Van Collie teaches wherein said monetary funding is provided by a lender to a funding account such that draws on an approved loan are accessible to a builder from said funding account (See pg. 62, which discusses how lending institutes can deal with each contractor individually when utilizing a voucher or draw system).

As per claim 34, Van Collie teaches wherein said construction supplies are provided by a dealer (See pg. 62, which discusses how the capabilities of the CCL include handling inventory). Van Collie does not expressly disclose wherein said construction supplies are provided by a dealer who has been approved for registration and certification via said on-line system.

Louie et al. discloses how a borrower enters registration information through borrower management (See paragraph 36, which discusses registration information); and, furthermore, how a user, based on the transaction type, provides the appropriate information in selecting a pricing type (See paragraph 76, which discusses selecting a pricing type, such as a certificate for deposit). Therefore, it would have been obvious to

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one ordinary skill in the art at the time the invention was made to modify Van Collie to include a manager capable of providing construction supplies that also has been approved for registration and certification as taught by Louie et al. in order to permit control at multiple levels, including who may or may not provide inventory for a respective construction project.

As per claim 35, Van Collie teaches a web-based application for providing a multi-level construction system, featuring integrated and automated on-line project financing and ordering of building supplies (See pg. 60, which discusses Miser2 Commercial Construction Loan (CCL) application), said web-based application comprising the following selectable services:

a draw request service, available to builders, for requesting monetary funding for a construction project (See pg. 62, which discusses a construction loan application in the context of a draw system payment);

a draw request service, available to builders, for requesting an allotted increment of an approved loan (See pg. 62, which discusses a draw system payment where the bank has custom defined criteria for disbursement); and

an inspection verification service, available to dealers, for verifying progress on a given project and for providing corresponding partial project approval (See pg. 62, which discusses procedural checkpoints to ensure that construction stages are complete before funds are issued).

However, Van Collie does not expressly disclose:

a registration service, available to prospective builders or dealers, for registering in said web based application;

a certification service, available to registered builders or dealers, for obtaining certification to participate in said multi-level construction system;

a credit line establishment service, available to certified builders, for establishing funding limits for loan applications;

a loan application service, available to builders for requesting monetary funding for a construction project.

Louie et al. discloses how a borrower enters registration information through borrower management (See paragraph 36, which discusses registration information); how a user, based on the transaction type, provides the appropriate information in selecting a pricing type (See paragraph 76, which discusses selecting a pricing type, such as a certificate for deposit); establishing a letter of credit including a maximum dollar amount (See paragraph 53, which discusses credit agreements with selected facilities that contain provisions regarding maximum dollar amount for draw downs); and, furthermore, a loan application service (See figure 4, which illustrates the entities involved in a loan, including the manager, borrower, investor(s), etc.). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Van Collie to include a registration process, a certification process, a credit service, and a loan application service as taught by Louie et al. in order to meet the needs of financial institutions that handle construction loans of various sizes.

As per claim 36, Van Collie does not expressly disclose an insurance service offered to selected builders for insuring selected products and services utilized in a given construction project.

Louie et al. discloses how large commercial banks seek assurance, including loan insurance, before approving a loan (See paragraph 5, which discusses how a bank may obtain loan insurance from the borrower before carrying out the loan). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Van Collie to include an insurance service for given construction projects as taught by Louie et al. in order to provide protection in case a borrower is unable to fulfill his/her obligation under a large commercial loan.

As per claim 37, Van Collie teaches a project portfolio service for viewing and monitoring project, loan and draw request information relating to selected construction projects in a given portfolio of all construction projects undertaken by a given builder or dealer (See pg. 62, which discusses how the CCL is a real-time package).

As per claim 42, Van Collie teaches a plurality of predefined project templates, for use in conjunction with said loan application service, and for facilitating provision of information related to a specific construction project by a builder to said web-based application (See pg. 62, which discusses a parameter-driven application that enables lenders to custom define criteria for disbursement).

As per claim 43, Van Collie teaches a monetary deposit service wherein, upon selection and completion of said draw request service by a builder in a selected builder team and corresponding selection and completion of said inspection verification service

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by a dealer in said selected builder team, an allotted increment of an approved loan is automatically provided to a funding account, whereby said funding account and any funds therein are accessible by said builder (See pg. 62, which discusses the possibility of construction loan payments made through a checking account; and, furthermore, how a transfer can be set up from a direct deposit account).

As per claim 44, Van Collie does not expressly disclose an automatic analysis service for gathering selected information provided in conjunction with selected services, for analyzing said selected information online, and for returning an approval or disapproval of said analyzed selected information.

Louie et al. discloses analyzing requested builder/dealer/loan data (See claim 4, which discusses receiving and analyzing a transaction request), and approving a builder/dealer for initialization in the on-line system or for a project-specific loan (See paragraph 39, which discusses an “approved” indicator for a funds transfer). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Van Collie to include an automated project-loan application capable of gathering data, analyzing data, and approving selected information as taught by Louie et al. in order to efficiently organize data and provide a system with strong controls that provides assurance about where lenders and builders stand in each construction project.

Claim 45 recites equivalent limitations to claim 32 and is therefore rejected using the same art and rationale as set forth above.

As per claim 46, Van Collie teaches a web based communication network for automatically administering a controlled relationship between a borrower and an inspector for automated construction loan financing (See pg. 60, which discusses Miser2 Commercial Construction Loan (CCL) application), comprising:

a funding account service for storing monetary funding from a lending source in a funding account for association with a specific potential borrower, and for association with a specific construction loan associated with a specific construction project (See pg. 62, which discusses how the CCL links to a general ledger); and

an automated draw request service for facilitating inspection by a registered and certified inspector of progress on a specific construction project and for facilitating transfer, based on such inspector approval, of a monetary allotment of an associated specific construction loan from the lending source to an associated specific funding account, accessible by the associated borrower, such that an automated controlled relationship provides funding for construction financing without requiring a direct loan to a borrower (See pg. 62, which discusses a draw system payment where the bank has custom defined criteria for disbursement).

However, Van Collies does not expressly disclose:

an initialization service for registering and certifying potential borrowers and potential inspectors in accordance with network administered standards; and

a credit line establishment service, available to certified potential borrowers, for establishing funding limits for loan applications.

Louie et al. discloses how a borrower enters registration information through borrower management (See paragraph 36, which discusses registration information); how a user, based on the transaction type, provides the appropriate information in selecting a pricing type (See paragraph 76, which discusses selecting a pricing type, such as a certificate for deposit); and, furthermore, establishing a letter of credit including a maximum dollar amount (See paragraph 53, which discusses credit agreements with selected facilities that contain provisions regarding maximum dollar amount for draw downs). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Van Collie to include a registration process, certification process, and credit service involving a selected price type where requested data is provided, analyzed, and approved as taught by Louie et al. in order to meet the needs of financial institutions that handle construction loans of various sizes.

Claim 47 recites equivalent limitations to claim 29 and is therefore rejected using the same art and rationale as set forth above.

Claim 48 recites equivalent limitations to claim 32 & 34, respectively, and is therefore rejected using the same art and rationale as set forth above.

As per claim 50, Van Collie teaches wherein said web-based communication network further administers a controlled relationship among such a borrower and such an inspector, and also among a funding account and a subcontractor, such that such subcontractor provides monetary funding to a funding account or provides building supplies to a registered and certified borrower or to a registered and certified inspector (See pg. 62, which discusses how lending institutes can deal with each contractor

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individually when utilizing a voucher or draw system; and, furthermore, how the capabilities of the CCL include handling inventory).

4. **Claims 31, 38-41, & 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Collie, S.-C., *Construction loan tool from PriMerit, Newtrend*, Bank Management, vol. 66, no. 4, April 1990, pgs. 60 & 62, in view of Louie et al. (U.S. 2001/0054022), and further in view of Official Notice.

As per claim 31, Van Collie and Louie et al. combination does not expressly disclose wherein any information provided in said respective steps of providing requested builder data to an on-line system, providing requested dealer information to an on-line system, and providing requested loan data to an on-line system, that is not or cannot by provided on-line is requested from said builder or said dealer for off-line receipt thereof.

The Examiner takes Official Notice that it is old and well known in the art to provide information via a phone conversation, letter, personally, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Van Collie and Louie et al. combination to include other means of providing requested information other than on-line in order to gather the necessary information for completing or approving a construction loan.

As per claim 38, Van Collie and Louie et al. combination does not expressly disclose a tutorial service for providing aided system instruction to a builder or dealer as related to selected of the services offered via said web-based application.

The Examiner take Official Notice that it is old and well known in the art to provide a system that is capable of providing instruction for a user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Van Collie and Louie et al. combination to include a tutorial service for providing a user with instructions in order guide a user when problems arise concerning the services offered.

As per claim 39, Van Collie and Louie et al. combination does not expressly disclose wherein a builder or dealer is automatically prompted to select said certification service after selection and completion of said registration service.

The Examiner takes Official Notice that it is old and well known in the art for the creator of a system to establish steps following the selection of a certain event. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Van Collie and Louie et al. combination to include automatically prompting a builder or dealer to select the certification service after selection of the registration service in order to provide perspective users of the construction loan system with a quick and efficient means of certifying and registering.

As per claim 40, Van Collie and Louie et al. combination does not expressly disclose wherein a unique home page is generated for each builder or dealer that selects and completes said registration service, and wherein each respective builder or dealer is also assigned, upon selection and completion of said registration service, a username and corresponding password for future access to selected services offered via said web-based application.

The Examiner takes Official Notice that it is old and well known in the art to generate a unique home page for each respective user; and, furthermore provide security measures, such as a username and password. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Van Collie and Louie et al. combination to include creating a unique homepage, and assigning a username and password for each builder and dealer in order to provide security measures for the commercial loans associated with particular users.

As per claim 41, Van Collie and Louie et al. combination does not expressly disclose wherein a builder or dealer is automatically assigned to a builder team, with assignment thereof based on geographic location, and wherein a builder or dealer is assigned to a builder team after selection and completion of said registration service.

The Examiner takes Official Notice that it is old and well known in the art to group participants according to geographic location. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Van Collie and Louie et al. combination to include assigning builders and dealers to designated groups based on geographic location in order to ensure that the services provided by the construction loan application are specific to designated regions and not disproportional based on the cost required to obtain the services.

Claim 49 recites equivalent limitations to claim 41 and is therefore rejected using the same art and rationale as set forth above.

Response to Arguments

5. Applicant's arguments with respect to **claims 22-50** have been considered but are moot in view of the new grounds of rejection.

Conclusion

6. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MICHAEL R. ZECHER** whose telephone number is (571)270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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